

REPORT - PLANNING COMMISSION MEETING
June 24, 2004

Project Name and Number: Pacific Commons Major Retail District Planned Sign Program (MIS2004-00399)

Applicant: Sean Whiskeman, Catellus Development Corporation

Proposal: To consider a Planned Signed Program for the Pacific Commons Major Retail District

Recommended Action: Approve subject to conditions.

Location: The Pacific Commons Major Retail District lands are bounded on the north by Auto Mall Parkway, on the west by the Auto Mall Planned District (P-88-15), on the east by Christy Street, and on the south by Curie Street, in the Industrial Planning Area.

Assessor Parcel Number(s): 525-1326-021-00; 525-1326-022-00; 525-1326-023-00; 525-1326-024-00; and 525-1330-018-00

Area: Approximately 79 acres

Owner: Catellus Development Corporation

Agent of Applicant: Sean Whiskeman

Consultant(s): Sussman Prezja & Company and SGPA Architecture & Planning Consultants.

Environmental Review: This project is exempt from CEQA review per Section 15311(a) (Accessory Structures)

Existing General Plan: IR-C-I – Restricted Industrial, Commercial-Industrial Overlay

Existing Zoning: P-2000-214, Planned District, as amended by PLN2003-00166

Existing Land Use: Approximately half of the lands are currently under construction, to allow the Major Retail development.

Public Hearing Notice: A total of 158 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Auto Mall Parkway, Auto Mall Circle, Boyce Road, Brandin Court, Christy Street, Cushing Parkway, Nobel Drive and Boscell Road. The notices to owners and occupants were mailed on May 27, 2004. A Public Hearing Notice was delivered to The Argus on May 24, 2004 to be published by May 27, 2004. Since this item was continued from the June 10th, 2004 Planning Commission Meeting to June 24th, 2004, no subsequent notification was required.

Executive Summary: The Planned Sign Program submission filed by Catellus Development Corporation pertains to Planning Areas 1, 2 & 3 within the Major Retail District of the Pacific Commons Development, which was recently approved for retail development through a Planned District Major Amendment (PLN2003-00166). With the approval of the Planned District Major Amendment, one of the conditions of approval specifically states that the applicant shall submit a Planned Sign Program to the Planning Commission for review and approval. The applicant has prepared a comprehensive Planned Sign Program, which the applicant proposes will create diversity and creativity while maintaining standards that achieve consistency throughout the entire Pacific Commons Major Retail District. Should the Planning Commission support the proposed project, there are numerous retailers who are ready to apply for sign permits.

Background and Previous Actions: On June 26, 2003, the Planning Commission recommended that City Council approve the Planned District Major Amendment (PLN2003-00166) to allow for the development of a major retail

development on approximately 79 acres of land within the area commonly referred to as the Pacific Commons Development. The amendment adopted by the Council specifically approved the following:

- Allowed for the creation of a unique, pedestrian-oriented community retail shopping center at the east Activity Center in place of the previously envisioned hotel, office and retail uses (**Planning Area 1**);
- Relocated the Major Retail Area eastward from its current location to an approximately 40 acre area along Auto Mall Parkway between Christy Street and Boscell Road (**Planning Area 2 & 3**);
- Allowed for the development of mixed retail, one to four-story Office/R&D buildings and auto dealerships on the west side of Boscell Road from Auto Mall Parkway to Curie Street (**Planning Area 4**);
- Returned Boscell Road to the alignment proposed through the 2000 approvals; and
- Extended Pacific Commons Boulevard from Curie Street to Auto Mall Parkway.
- Additionally, amendments to the Development Agreement between the City and Catellus which: (i) extended the completion date for Cushing Parkway; and (ii) limited fast food restaurants to two unique establishments as approved with this Planned District Amendment.

On July 22, 2003, City Council took action to approve the Planned District Major Amendment Application (PLN2003-00166) based upon the required findings and conditions of approval. The Guidelines and Standards relating to the amendment were inserted into a document entitled Supplement "B" – Pacific Commons Planned District Development Standards and Guidelines. Supplement "B" is the design document, which guides and directs the future development of the Major Retail District. Currently there is over 420,000 square feet of commercial space under construction, with the majority of the balance (295,000 square feet) of approved commercial space anticipated to start construction over the next few months.

The Conditions of Approval for the Planned District Major Amendment contain a specific condition relating to the Planned Sign Program, which reads as follows: **"The Sign Program for the Major Retail District shall be submitted at the time of the first Preliminary Development Organization Review Application. The Sign Program shall be reviewed and approved by Planning Commission."** The intent of this condition is to require Catellus Development Corporation to submit their Planned Sign Program to the City for review prior to any building permit applications being submitted to the Development Organization. Catellus fulfilled part of this Condition by submitting the initial Planned Sign Program application in October 2003, however, due to work priorities, which were to focus on other critical path items associated with the Pacific Commons Development, the processing of this application was delayed. This report is required to comply with the second part of the condition which requires the Planning Commission's review and approval of the Planned Sign Program.

Project Description: The applicant has submitted a Planned Sign Program for the Major Retail District (Planning Areas 1, 2 & 3), which would apply to building signage only. According to the Fremont Municipal Code, a Planned Sign Program is a voluntary, optional alternative to the general sign regulations and is intended to encourage the maximum incentive and latitude in order to achieve variety and good design, exceptions to the general sign regulations (as to height, location, sign area, and illumination) may be granted. A Planned Sign Program shall be in substantial compliance with the general sign regulations, and the approval authority shall find that each and all exceptions to the general regulations accomplish the object of the sign regulations.

- This Planned Sign Program is intended to comply with Condition 13 of the Planned District Major Retail Amendment 2003. Condition 13 states that: *"The Sign Program for the Major Retail District shall be submitted at the time of the first Preliminary Development Organization Review Application. The Sign Program shall be reviewed and approved by Planning Commission."* The Planned Sign Program and Design Guidelines prepared by the applicant provides the required guidelines and direction to ensure that there is a consistent and uniformed standard within the Major Retail District while also allowing tenants to present their own corporate identity. Staff initially had a desire to modify/change some of the corporate signage (standard sign package) the various retailers were proposing, however, staff were advised by both Catellus (landowner) and the major retail tenants that their corporate sign packages (standard signage) were critical to their respective decisions to locate within the Pacific Commons Major Retail District.

Comparison of the Planned Sign Program with the City Municipal Code.

Municipal Code Sec. 8-22101. (B)(1) allows one square foot of sign area for each linear foot of building frontage and sets the maximum size of signs attached to buildings at 130 square feet. Catellus feels this section is unsuitable for the scale of the buildings in the Pacific Commons Retail Center. The large size and scale of the buildings at Pacific Commons Retail Center are better judged on the basis of the 1.33 square feet of sign per linear foot of building frontage as allowed in Sec. 8-22101. (B)(4)(b). Comparing the Planned Sign Program with this clause yields the following results:

- Anchor Tenants (Costco, Lowes, Kohl's) cumulatively would be allowed 5,643 square feet of signage under Sec. 8-22101. (B)(4)(b), 4,243 square feet under Sec. 8-22101. (B)(1) and 4,080 square feet under the Planned Sign Program. For anchor tenants, the Planned Sign Program allows less signage area than both municipal code articles.
- Major Tenants (Linens N Things, Block 2 Lease Space M4, Circuit City) would be allowed 1617 square feet under Sec. 8-22101. (B)(4)(b), 1,216 square feet under Sec. 8-22101(B)(1) and 1350 square feet under the Planned Sign Program. The Planned Sign Program allows 16.5% less signage than the municipal code clause (B)(4)(b) and only 11% more than clause (B)(1).
- Junior Tenants (Office Depot, Party America, Old Navy, Block 2 Lease Space J2) would be allowed 944 square feet under Sec. 8-22101. (B)(4)(b), 709 square feet under Sec. 8-22101. (B)(1), and 840 square feet under the Planned Sign Program. The Planned Sign Program allows nearly 11% less than the municipal code clause (B)(4)(b) and 18% more than clause (B)(1).
- Small Tenants (less than 15,000 square feet of floor area per tenant) in multi-tenant buildings R1, R2, P3, P4 and P5 would collectively be allowed 2,426 square feet of signs under Sec. 8-22101. (B)(4)(b), 1,824 square feet under (B)(1) and 1,940 square feet under the Planned Sign Program. The Planned Sign Program allows 20% less than the municipal code clause (B)(4)(b) and only 6% more than clause (B)(1).

The Municipal Code controls window signage in article 8-22101(C)(1)(b), which restricts temporary and permanent window signage to 30% of the tenant's window area and not to exceed 36 square feet on any frontage of a commercial establishment. The Planned Sign Program restricts temporary and permanent window signage to 25% of the window area, (which is more restrictive than the Municipal Code) with no specific size requirement. Catellus believes that a specific numerical limit on window sign area would unnecessarily penalize large commercial tenants who have very little window area, such as the anchor and major tenants at this development. Additionally, the Planned Sign Program requires that the area of permanent window signage devoted to the Tenant's name, be deducted from the total allowable building sign area for that Tenant, which is a restriction not imposed by the municipal code.

Article 8-22102(E)(1) of the Municipal Code restricts suspended signs to 3 square feet. Such suspended signs are also required to have at least 8'-0" clearance beneath them and not be internally illuminated. The Planned Sign Program only allows suspended signs as blade signs, and only one such sign per tenant. Catellus believes given the large scale of the buildings and tenants at Pacific Commons, and the restriction of only one blade sign per tenant, the blade sign should be allowed to be up to 8 square feet in area. In some areas where exterior soffits are only nine feet above the pavement, the Planned Sign Program allows the sign to only maintain 7'-6" clearance to grade, so that the sign may have appropriate visual proportions. Internal illumination of blade signs is proposed by the Planned Sign Program, in recognition of the varying heights, materials and construction of exterior soffits, canopies and awnings, which could prove challenging for mounting and focusing external light fixtures.

Consistency with the General Regulations.

This Planned Sign Program is in substantial compliance with the general sign regulations. If this project were limited to the general sign regulations, the applicant would be entitled to 10 or more freestanding signs, and additional building signage where the property is within 350 feet of a freeway or controlled access highway, as well as building signs

consisting of 1 square foot per each linear foot of building frontage, with no sign larger than 130 square feet, unless approved for the condition of “skeleton” letters, in which case signs could consist of 1.33 square feet for each linear foot of building frontage. In contrast, the Pacific Commons Retail Center Planned Sign Program:

- Proposes less building signage for large anchor tenants (retailers over 94,999 square feet floor area) than the Municipal Code.
- Proposes between 6% and 18% more building signage area for major, junior and smaller tenants than the Municipal Code ratio of 1 square foot per linear foot of frontage, but at the same time allows between 11% and 20% less building signage area than the municipal code ratio of 1.33 square foot per linear foot of frontage.
- Does not propose signage area bonuses for property within 350 feet of freeways or controlled access highways.
- Does not propose additional signage area for freestanding signs allowed but not being installed.
- Proposes a smaller percentage of window coverage than the municipal code, with no stated maximum size, for permanent and temporary window signs.
- Proposes larger, but fewer, suspended signs than the municipal code.
- Requires review of all signage by the Retail Center Owner and by the City prior to receiving a City permit for installation.
- Outlines standards for sign construction and installation beyond that required by municipal ordinance.
- Prohibits the same types of signs prohibited by the municipal ordinance.
- Sets maximum letter heights, a type of restriction lacking in the Municipal Code.
- Conforms to the requirements of Municipal Code Article 8-22103, which mandates that Planned Sign Programs be constructed to insure that signage appropriately relates to the architectural style of the development, adjacent developments and other signs within the subject development.
- Conforms to the requirements of Pacific Commons Supplement “A” which mandates that the Planned Sign Program be formulated to ensure that signage criteria creates a uniform, high quality and compatible image for the development.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Restricted Industrial with a Commercial-Industrial overlay. The project is consistent with the existing General Plan land use designation for the project site because the proposed Planned Sign Program provides design standards and guidelines for the Major Retail District Development within Pacific Commons. The following General Plan Goals and Policies are applicable to the proposed project:

Fundamental Goal 8—A diversity of residential, recreational, cultural, employment and shopping opportunities.

Fundamental Goal 9—A large diversified industrial and commercial base to meet the employment needs of the City's present and future workforce.

Land Use Policy 3.2—The general plan allows warehouse retail and large-scale regional retail uses on sites with convenient freeway access and where the proposed use is compatible with the purpose of the industrial area.

Land Use Policy 3.3—The general plan allows for commercial uses providing necessary services and large-scale regional retail in industrially designated areas.

The Planned Sign Program is consistent with the Goals, Policies and Standards of the various Pacific Commons planning documents in that it provides design direction for signage for the Pacific Commons Major Retail District Development, a planned district that will include considerable large-scale retail development, and hence increased shopping opportunities, adjacent to Interstate 880, located in the Industrial Planning Area.

Zoning Regulations: The entire site is zoned Planned District, P-2000-214. The Planned District provisions were recently modified by a Planned District Major Amendment (PLN2003-00166), which allows for the development of a community shopping center, major retail area and various other land uses. The proposed retail development also satisfies the following requirements of the commercial/industrial overlay district: the use occupies (entire project) at least fifty thousand square feet or is located in a shopping center with a total leasable area of one hundred and fifty thousand square feet; the use is oriented to the regional market; convenient access from the freeway is available; the proposed use would be compatible with existing and proposed uses and would not impede future industrial development. The project meets the size criteria, is oriented to the regional market and has convenient access to the freeway.

ENVIRONMENTAL ANALYSIS: This project is exempt from environmental review per CEQA section 15311(a), Accessory Structures as it relates to the construction to on-premise signs.

ENCLOSURES:

Exhibit "A" (Pacific Commons – Planned Sign Program and Design Guidelines for Tenant Signage)

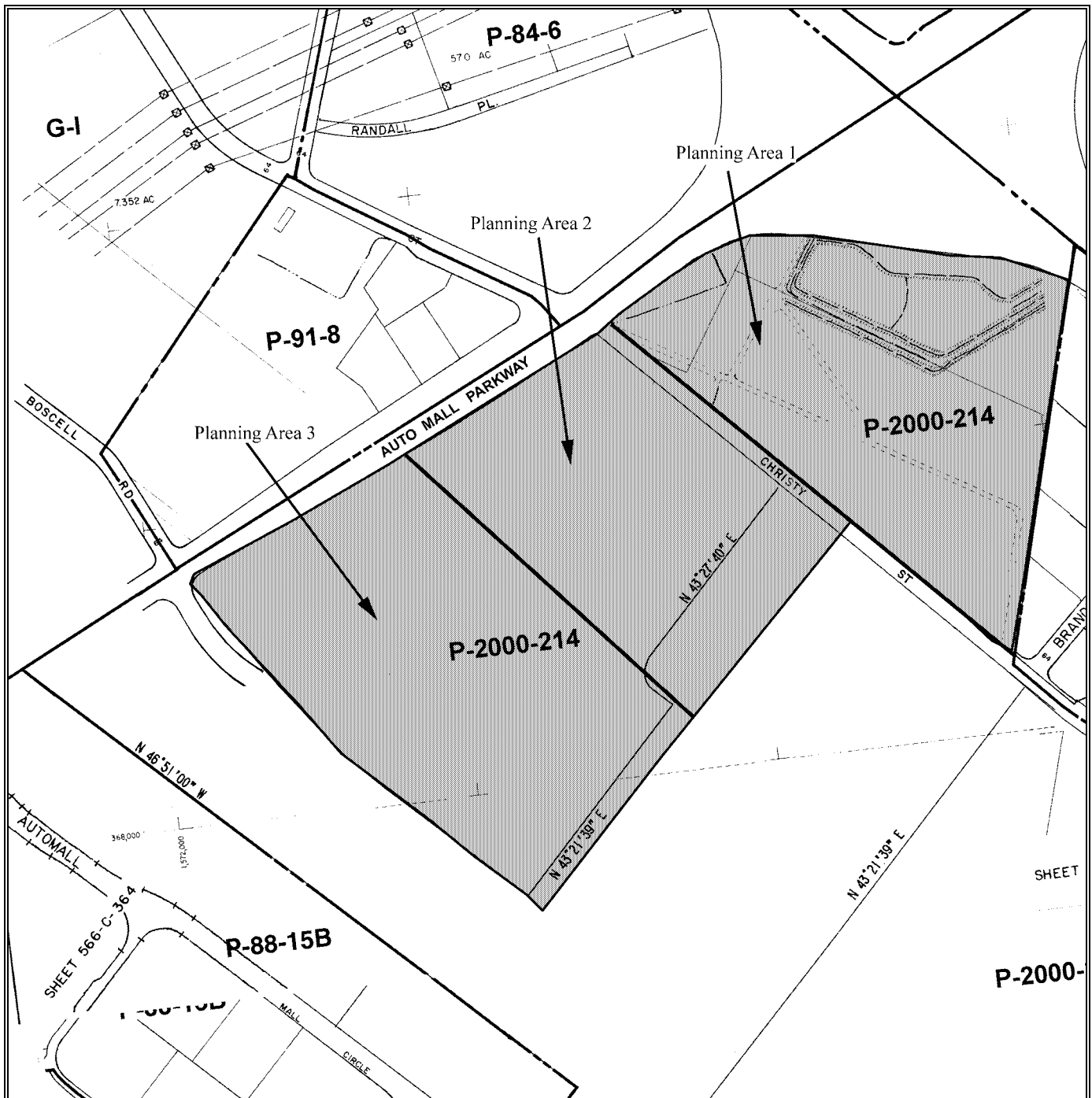
EXHIBITS:

Exhibit "A" Pacific Commons Planned Sign program and Design Guidelines for Tenant Signage

Recommended Actions:

1. Hold public hearing.
2. Find MIS2004-00399 is categorically except from environmental review per CEQA section 15311(a), Accessory Structures.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters as enumerated within the staff report.
4. Approve MIS2004-00399, as shown on Exhibit "A", subject to findings and conditions contained in Exhibit "B" and Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

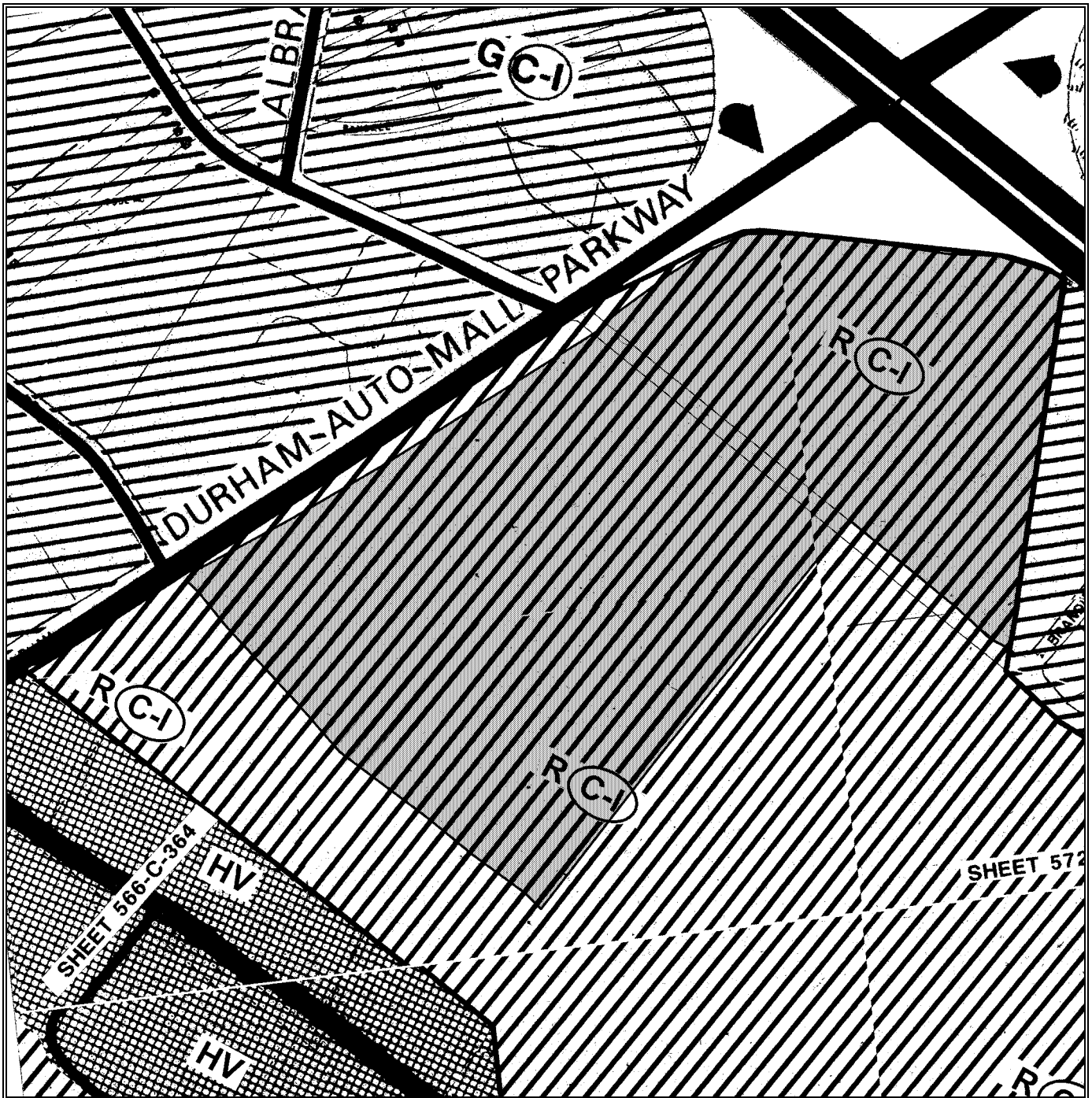


Exhibit "B"
Findings of Approval
Pacific Commons Major Retail District
Planned Sign Program (MIS2004-00399)

Based on the information in the staff report and testimony at the public hearing, the Planning Commission finds as follows:

- (1) **Architectural style:** The Planned Sign Program is and each sign shall be designed with an intent and purpose to relate the sign to the architectural style of the building on the site, and to the extent not inconsistent with such style, the sign shall be compatible with the style and character of the surrounding architecture.
- (2) **Relationship to buildings:** The Planned Sign Program is and each sign shall be consistent with the building's architectural style and designed to incorporate at least one of the predominantly visual elements, such as type of construction material, color or other design details.
- (3) **Relationship to other signs:** The Planned Sign Program is and each sign shall be well related to all other signs maintained upon the site by the incorporation of not less than four of the following seven identical elements: (1) materials; (2) letter style of sign copy; (3) color; (4) illumination; (5) method used for structural support or attachment; (6) technical details of sign construction; and (7) shape of the entire sign and its several components.
- (4) **Sign copy:** The sign copy, exclusive of decorative color or other background material, will not exceed forty percent of the sign area.
- (5) **Sign area for signs affixed to buildings:** That the sign area for each building sign or other type of sign affixed to a building does/shall not exceed ten percent of the building facade upon which such sign is maintained.
- (6) **Signs affixed to buildings above eaves line:** No buildings contain signs which project above the building façade.
- (7) **Signs affixed to buildings below canopy:** That any wall sign or other type of sign which is maintained beneath a canopy, arcade, marquee or other similar building projection, does not contain more than eight square feet (blade sign) in sign area and is maintained on a building frontage proximate to an entrance to the building in regular use by the general public.
- (8) **Consistency with the general regulations:** This Planned Sign Program is in substantial compliance with the general sign regulations as outlined in the staff report.
- (9) For the reasons given above and outlined in the staff report, each and all exceptions to the general sign regulations will accomplish the general objectives of the regulations as provided in Section 8-22100.

Exhibit "C"
Conditions of Approval
Pacific Commons Major Retail District
Planned Sign Program (MIS2004-00399)

The Planned Sign Program depicted and described in Exhibit "A" shall only apply to the Pacific Commons Major Retail District (Planning Areas 1,2 & 3) as approved by PLN2003-00166. The location, size and design of all building signs shall be in conformance with Exhibit "A", subject to the review and approval by the Development Organization.

Conditions:

1. Each applicant/tenant for signage under the Planned Sign Program shall submit a Color and Material Sample Board no larger than 11" x 17". The sample board shall include colors for all visible surfaces and exterior finish material. The manufacture's or supplier's names along with the color code and model numbers for each color or material shall be included on the color and material sample board. Any additional information needed to identify the specific colors and materials to be used shall also be included. Both color and material shall be labeled and keyed to the elevations.
2. **Plans for all signs under the Planned Sign Program shall include:**
 - (a) Elevations, sections and details shall include all dimensions of all elements of the signs, specifically including all visible elements of the sign copy and of the margins between the sign copy and any other elements of the sign or structure. All plans shall be 11" x 17" or larger.
 - (b) All plans shall call out colors and materials of all visible elements of the signs, including the colors of the returns and the trim caps, if any, of the signs.
 - (c) Elevations of adjacent tenant spaces shall also be included in order to ensure appropriate spacing between tenants and compatible sign design.
 - (d) Applicants for sign permits shall submit **photographs** of all existing signs on adjacent storefronts (minimum 2 storefronts away from applicants store).
 - (e) All required tenant signage shall be reviewed and approved through the submission of one sign permit application.
 - (f) Details of the plans shall be subject to the review and approval of City staff.

Building Signs

3. The maximum letter height, sign area and number of signs per tenant shall be as per the Pacific Commons Planned Sign Program And Design Guidelines For Tenant Signage **Section 6.8 Tenant Signage Matrix**.
4. The sign type, materials, color of letters, returns and type of illumination shall be consistent on each building to maintain and promote a uniform and high quality design within Pacific Commons.
5. Raceways and other electrical equipment shall not be visible from the exterior of any building.
6. A special exception from the Sign Ordinance shall be granted to allow the anchor tenants within the Pacific Commons Major Retail Development to place banners on their buildings and recruiting trailers advertising that they are in the process of recruiting/hiring personnel. This exception to the Sign Ordinance shall be permitted from the date of approval of the Planned Sign Program until December 13, 2004. The number, location, size and duration of time the banner can be displayed will be reviewed and approved by staff when the sign permit application is submitted.

General

7. Each sign is subject to the review and approval of the Development Organization and shall follow the requirements set forth in Article 21 (Sign Regulations) of the Zoning Ordinance, except as otherwise specified by this Planned Sign Program. The applicant shall apply to the Development Organization for a separate sign permit for each sign.

8. The Development Organization shall exercise reasonable **discretion** in its review of all proposed signs. Such review shall be based on the standards for site plan and architectural approval, the required findings for the Planned Sign Program, and other provisions set forth in the Zoning Ordinance, and consistent with the intent of the Planned Sign Program (**Exhibit "A"**).
9. Upon Planning Commission approval of the Planned Sign Program, any proposed changes thereto may be approved by the Assistant City Manager or her or his designee, unless the Assistant City Manager or her or his designee determines that the proposed changes would result in a material departure from the Planned Sign Program as approved by the Planning Commission, in which case he/she shall refer the proposed changes to the Planning Commission for consideration.